IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO. 2764 of 1995

Between:

1 D.Narapa Reddy S/o D.Venkateswarlu, aged 30 years, H.T.No.170
R/o Valluru Village, tangutur Mandalam,
Prakasam District.
2 G.Affrayeemu S/o Vasantha Rao, age 30 yrs, H.T.No.218
R/o Sanjay Gandhi Colony, Near C.R.P.Quarters,Ongole,
Prakasam District.
3 T.V.S.Ganesh s/o T.Parasara Rao, aged 30 yrs, H.T.No.153
R/o Kammapalem Ongole, Prakasam District.
4 G.Prasad s/o G.Devadanam, aged 30 yrs, H.T.No. 237
R/o H.No.9-10-5, Hariespet, Perala,Chirala Mandalam,
Prakasam District.
5 David Sudhakar S/o M.Vedamani, aged 30 yrs, H.T.No.148
R/o Church Compound, Perala,Chirala Mandalam,
Prakasam District.
6 G.Gandhi Babu S/o Kesava Rao, aged 28 yrs, H.T.No.295
R/o Ramalayam Street, Chirala Mandalam,
Prakasam District.
7 S.Sreedhara Rao S/o Subba Rao, aged 32 yrs, H.T.No.148,
R/o Doddavaram Maddipadu Mandal, Prakasam District.
8 D.Anji Reddy S/o Venkata Subba Reddy, aged 29 yrs, H.T.No.173
R/o B.Nidamanuru, Nagaluppalapdu Mandal, Prakasam District.
9 Nagam Venkata Ramaiah S/o Venkaiah, aged 29 yrs, H.T.No.044
R/o Pelluru, Ongole Mandal, Prakasam District.
10 J.Venkateshwarlu s/o Narasimham, aged 30 yrs, H.T.No. C.31
R/o Doddavaram Village Maddipadu Mandal,
Prakasam District.
11 N.Sanjeeva Kumar s/o Seethaiah, aged 30 yrs, H.T.No. 093
R/o B.Nidamanuru Village Nagaluppalapdu Mandal,
Prakasam District.

..... PETITIONERS

AND

1 The Principal Secretary, Government of Andhra Pradesh,
Secetariat,Hyderabad.

2 The Commissioner of Excise,Opposite,Gandhi Bhavan,
Nampally,Hyderabad.
3 The District Collector,Ongole, Prakasam District.
4 The Excise Superintendent, Ongole,Prakasam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ or order or direction, particularly one in the nature of writ of Mandamus, directing the respondents to implement G.O.Rt.No.1303 Revenue (Ex-1) Department,dt.31-8-94, issued by the 1st respondent, by appointing the petitioners as Excise Constables in Prakasam District.

Counsel for the Petitioners: MR.MOHD.GULAM RASOOL

Counsel for the Respondents: GP FOR PROHIBITION & EXCISE

The Court made the following :

O R D E R

The validity of G.O. Rt. No. 1303, Revenue (Ex-I) Department, dated 31.08.1994, issued by the 1st respondent, prescribing the procedure to be followed for recruitment to the posts of Excise Constables is the subject matter of challenge in this writ petition.

In view of the Judgment of the Supreme Court of India in ***L.Chandra Kumar –Vs- Union of India***, the petitioners ought to have approached Andhra Pradesh Administrative Tribunal in the first instance before invoking the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India. Since the petitioners have approached this Court directly without having approached the Andhra Pradesh Administrative Tribunal, the writ petition is liable to be dismissed.

The writ petition is, accordingly, dismissed. This order will not preclude the

petitioners, if they so choose, from approaching the Andhra Pradesh Administrative Tribunal, for the relief sought for in this writ petition.

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RAMESH RANGANATHAN, J

7th July, 2005

vp

// true copy//

SECTION OFFICER

To

1. The Principal Secretary, Govt. of Andhra Pradesh, Secretariat, Hyderabad,
2. The Commissioner of Excise, Opposite: Gandhi Bhavan, Nampally, Hyderabad,
3. The District Collector, Ongole, Prakasam District,
4. The Excise Superintendent, Ongole, Prakasam District,
5. 2 C.Cs to Govt. Pleader for Prohibition & Excise, High Court buildings, Hyderabad (OUT)
6. 2 C.D.copies.